

2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

Contact Person: Lorri Annett

Telephone Number: (619) 667-6204

2012 AUG 16 PM 3 36

Name of Agency: Helix Water District

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

Mailing Address 7811 University Ave., La Mesa, CA 91942

This agency has reviewed its conflict of interest code and has determined that:

☒ **Amendments are necessary:** (Attach Amended Code)
(Check all that applies)

- ☒ Include new positions (including consultants) which must be designated
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished
- ☒ Delete positions that manage public investments
- ☒ Revise disclosure categories
- ☒ Other Update language as provided by FPPC to clarify requirements

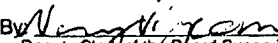
☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: 

Date: 8/7/12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/4/12</u>	Minute Order No. <u>22</u>
By: <u></u>	Date: <u>12/14/12</u>
Deputy Clerk of the Board Supervisors	

INDIAN WELLS
(760) 568-2611

IRVINE
(949) 263-2600

LOS ANGELES
(213) 617-8100

ONTARIO
(909) 989-8584

DIANNA MARIE VALDEZ
(951) 826-8252
DIANNAMARIE.VALDEZ@BBKLAW.COM

BBK
COUNTY OF SAN DIEGO
BEST BEST & KRIEGER
ATTORNEYS AT LAW

3390 UNIVERSITY AVENUE, 5TH FLOOR, P.O. Box 1028, RIVERSIDE, CA 92502
PHONE: (951) 686-1450 | FAX: (951) 686-3083 | WWW.BBKCLAW.COM

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CLERK OF THE BOARD
OF SUPERVISORS

SACRAMENTO
(916) 325-4000

SAN DIEGO
(619) 525-1300

WALNUT CREEK
(925) 977-3300

WASHINGTON, DC
(202) 785-0600

August 14, 2012

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

Re: Helix Water District -
Amendment of Conflict of Interest Code and Request for Notice

Dear Teresa:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the Helix Water District. The Code was amended by the District on August 1, 2012, by Resolution No. 12-44, a copy of which is also enclosed. As you can see by the enclosed legislative version of the Code, the amendment was done to include new positions that must be designated, revise titles of existing positions, delete titles of positions, revise disclosure categories and update language as provided by the Fair Political Practices Commission to clarify requirements.

Please notify me when this matter will be submitted to the Board for approval. I would also appreciate a copy of the Resolution or Minute Order approving the District's amended Code.

Also included with this packet is the District's 2012 Conflict of Interest Code Biennial Review Reply Form.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
August 14, 2012
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Please feel free to call or email me if you or County Counsel have any questions regarding the enclosed or this matter.

Sincerely, /

A handwritten signature in black ink, appearing to be 'DMV' or similar, written over a horizontal line.

Dianna Marie Valdez
Conflicts of Interests & Ethics Coordinator
for BEST BEST & KRIEGER LLP
General Counsel
Helix Water District

:dmv

Encls:

Resolution of Adoption
Amended Conflict of Interest Code
Legislative Version of the Amended Code
2012 Biennial Notice

LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 16 PM 3 36

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE OF THE HELIX WATER DISTRICT

CONFLICT OF INTEREST CODE OF THE HELIX WATER DISTRICT

(Amended August 1, 2012)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regs. Section 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Helix Water District** (the "**District**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Assistant Board Secretary** as the District's Filing Officer. The **Assistant Board Secretary** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors. The **Assistant Board Secretary** shall retain the originals of the statements of all other officials and designated positions. The **Assistant Board Secretary** will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code Section 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

HELIX WATER DISTRICT

(Amended August 1, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code § 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

- ✓ Members of the Board of Directors
- ✓ General Manager
- ✓ Treasurer/Director of Administrative Services
- ✓ Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
✓ Associate Engineer	2, 3, 5
✓ Biologist	5
✓ Board Secretary	5
✓ Cathodic Protection Technician	5
✓ Civil Engineer	2, 3, 5
✓ Corrosion Specialist	5
✓ Customer Service Manager	5
✓ Director of Engineering/Chief Engineer	2, 3, 5
✓ Director of Field Operations and Distribution	5
✓ Director of Water Quality and System Operations	2, 5
✓ Engineering Manager	1, 2
✓ Equipment Maintenance Coordinator	5
✓ Facility Maintenance Technician	5
✓ Field Operations and Distribution Manager	5
✓ Field Supervisor	5
✓ Finance Manager/Deputy Treasurer	1, 2
✓ General Counsel	1, 2
✓ GIS Programmer/Analyst	5

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DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

✓ Human Resources Manager	5
✓ Information and Process Systems Supervisor	5
✓ Information Services Manager	5
✓ Inspector (ALL)	3, 5
✓ Network Administrator	5
✓ Network Support Specialist	5
✓ Operations and Construction Manager	2, 3, 5
✓ Plant Operations Supervisor	5
✓ Reservoir Recreation Ranger	5
✓ Safety/Risk Administrator	5
✓ Senior Chemist	5
✓ Senior Human Resources Analyst	5
✓ Senior Instrumentation/Electrical Technician	3, 5
✓ Senior Right-of-Way Agent/Environmental Analyst	2, 3, 5
✓ Senior Systems Administrator	5
✓ System Operations Manager	2, 5
✓ System Operations Supervisor	5
✓ Warehouse Assistant	4
✓ Warehouse & Materials Coordinator	4
✓ Water Conservation Specialist	5
✓ Water Treatment Plant Manager	5

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

✓ Consultant and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position must file under the broadest disclosure set forth in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

RESOLUTION NO. 12-44

2012 AUG 16 PM 3 36

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE HELIX WATER DISTRICT ADOPTING AN AMENDED
CONFLICT OF INTEREST CODE PURSUANT TO
THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees, and consultants of the Helix Water District (the "District") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on September 1, 2010, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided to each affected designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on August 1, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Helix Water District that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Assistant Board Secretary and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code as submitted.

BE IT FURTHER RESOLVED that all previous Conflict of Interest Codes of the Helix Water District shall be rescinded upon the effective date of said amended Code as approved by the Board of Supervisors.

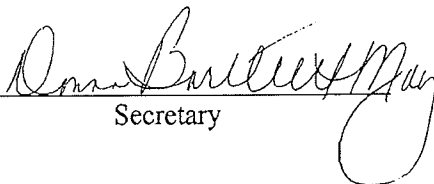
PASSED, ADOPTED, AND APPROVED this 1st day of August, 2012, by the following vote:

Ayes: Directors Verbeke, Linden, Hedberg, Muse, and Smith

Noes: None

Absent: None

Attest:


Secretary


President



LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 16 PM 3 36

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

LEGISLATIVE VERSION

(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE OF THE HELIX WATER DISTRICT

CONFLICT OF INTEREST CODE OF THE HELIX WATER DISTRICT

(Amended ~~September 1, 2010~~ August 1, 2012)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regs. Section 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations ~~Section~~ Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating ~~officials and employees~~ positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Helix Water District** (the "**District**").

All ~~Officials~~ and ~~Designated Employees~~ positions required to submit a statement of economic interests shall file their statements with the **Assistant Board Secretary** as the District's Filing Officer. The ~~Filing Officer~~ **Assistant Board Secretary** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors. The ~~Filing Officer~~ **Assistant Board Secretary** shall retain the originals of the statements of all other ~~Officials~~ and ~~Designated Employees~~ positions. The ~~Filing Officer~~ **Assistant Board Secretary** will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code Section 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

HELIX WATER DISTRICT

(Amended ~~September 1, 2010~~ August 1, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but ~~are subject to the disclosure requirements of the Act. (must file disclosure statements under Government Code § 87200 et seq.)~~ [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Directors
General Manager
Treasurer/Director of Administrative Services
Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the FPPC-Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC-Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Associate Engineer	2, 3, 5
Biologist	5
Board Secretary	5
Cathodic Protection Technician	5
Civil Engineer	2, 3, 5
Construction Manager <u>[duties rolled into Engineering Manager]</u>	<u>3, 5</u>
<u>Corrosion Specialist</u>	<u>5</u>
Customer Service Manager	5
Director of Engineering/Chief Engineer	2, 3, 5
Director of Field Operations and Distribution	5
Director of Water Quality and System Operations	2, 5
<u>Engineering Manager</u>	<u>1, 2</u>
Equipment Maintenance Coordinator	5
Facility Maintenance Technician	5
Field Operations and Distribution Manager	5
Field Supervisor	5
Finance Manager/Deputy Treasurer	1, 2
General Counsel	1, 2

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DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

GIS Programmer/Analyst	5
Human Resources Manager	5
Information and Process Systems Supervisor	5
Information Services Manager	5
Inspector (ALL)	3, 5
Network Administrator	5
Network Support Specialist	5
Operations and Construction Manager	2, 3, 5
Plant Operations Supervisor	5
Principal Engineer <u>[duties rolled into Engineering Manager]</u>	2, 3, 5
Public Affairs Manager	5
Reservoir Recreation Ranger	5
Safety/Risk Administrator	5
Senior Chemist	5
Senior Human Resources Analyst	5
<u>Senior Instrumentation/Electrical Technician</u>	<u>3, 5</u>
Senior Right-of-Way Agent/Environmental Analyst	2, 3, 5
Senior Systems Administrator	5
System Operations Manager	2, 5
System Operations Supervisor	5
Warehouse Assistant	4

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Warehouse & Materials Coordinator	4
Water Conservation Specialist	5
Water Treatment Plant Manager	5

Consultant and New Positions²

² ~~Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: Individuals serving as a consultant as defined in FPPC Reg. 18701 or in a new position must file under the broadest disclosure set forth in this Code subject to the following limitation:~~

~~The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.~~

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, ~~business entities, sources of income, including gifts, loans and travel payments, or real property which~~ economic interests that the Designated Employee position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, ~~supplies~~ products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, ~~supplies~~ products, materials, machinery, vehicles or equipment of a type purchased or leased by the ~~Designated Employee's~~ position's department, unit or division.